

REMARKS/ARGUMENTS

The Office Action of July 29, 2005, has been carefully reviewed and these remarks are responsive thereto. Claim 1 has been amended. Claims 1-51 remain pending after entry of this amendment. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

Allowable Subject Matter

Applicants thank the Examiner for indicating allowable subject matter in claims 4-7, 10-14, 21, 23-26, 32, 33, 35, 38, 39, 41 and 47-51.

Claim Rejections Under 35 U.S.C. §102

Claims 19-20, 27-28, 31, 34 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Jasinaki (U.S. Patent No. 5,070,329). This rejection is respectfully traversed for the following reasons.

Independent claims 19 and 31 relate to, *inter alia*, a digital broadcast receiver for receiving transmission bursts. Nowhere does Jasinaki teach or suggest a digital broadcast receiver. In fact, Jasinaki expressly teaches away from digital broadcast receivers, disclosing that the pager is a conventional frequency modulated FM receiver. Col. 8, ll. 17-20. Specifically, conventional frequency modulated FM receivers are analog systems, not digital broadcast systems. At best, Jasinaki discloses the receiver backend providing a stream of digital data representing the received addresses and messages. Col. 8, ll. 37-41. Even so, Jasinaki lacks any teaching or suggestion that the receiver is a digital broadcast receiver. Significantly, Jasinaki is devoid of any teaching or suggestion of digital broadcasting or digital broadcast systems. As such, there would also be no motivation for Jasinaki to implement or use a digital broadcast receiver. For at least the foregoing reasons, claims 19 and 31 are allowable.

Further, claim 19 also recite, *inter alia*, “a digital broadcast receiver for receiving at least a first portion of said streaming information as a transmission burst.” Jasinaki also fails to teach or suggest this feature. In particular, contrary to the Office Action’s assertions, Jasinaki does not teach or suggest of receiving *at least a first portion of streaming information* as a transmission burst. The Jasinaki passage relied upon by the Office Action merely discloses a query signal

which is transmitted as a signal burst. Col. 7, ll. 41-49. The passage further discloses transmitting a synchronization code word and a functional address subsequent to the query signal. *Id.* However, the query signal and the synchronization code word and address transmissions are independent of one another. That is, the two transmissions do not constitute portions of a streaming information. As such, neither the query signal nor the synchronization code word and functional address constitutes a first portion of streaming information. Claim 19 is thus allowable for this additional reason.

Claims 20, 27-28, 34 and 40 are dependent on claims 19 and 31, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3, 8-9, 16-18, 44 and 46 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Sayers *et al.* (U.S. Patent No. 6,539,237, hereinafter “Sayers”). Claim 2 stands rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Sayers and further in view of Prall (U.S. Patent Pub. 2003/0110233). Claims 22 and 37 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Kalveram *et al.* (U.S. Patent Pub. 2001/0023184, hereinafter “Kalveram”). Claims 29-30 and 42 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki in view of Drum *et al.* (U.S. Patent No. 6,456,845, hereinafter “Drum”). Claims 43 and 45 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Jasinaki. These rejections are respectfully traversed for the following reasons.

Amended independent claim 1 recites, *inter alia*, “powering-up a digital broadcast receiver in the mobile terminal in synchronicity with said transmission burst such that the mobile terminal is powered-up when said transmission burst is being transmitted.” (Emphasis added). As previously discussed with respect to claims 19 and 31, Jasinaki is directed to analog broadcasts and receivers. As such, Jasinaki teaches away from digital broadcast systems and in particular, digital broadcast receiver. The secondary references cited in the Office Action also do not teach or suggest digital broadcast receivers and thus, fail to cure this deficiency of Jasinaki. For example, both Sayers and Drum disclose GSM networks but do not teach or suggest digital

broadcast receivers. Kalveram is similarly defective. Even if any of Sayers, Kalveram and Drum did teach a digital broadcast receiver, there would be no motivation to use such a receiver in combination with Jasinaki since Jasinaki is specifically directed to frequency modulated FM systems (i.e., analog systems), not digital broadcast systems. Claim 1 is thus allowable for at least this reason.

Amended independent claim 46 recites, *inter alia*, “a digital broadcast transmitter for transmitting said streaming information as bursts at a higher bit rate than the rate at which said streaming information is received from said service provider.” The Office Action asserts, on p. 4, that Jasinaki discloses such a feature. Specifically, the Office Action identifies element 24 of FIG. 1 as a digital broadcast transmitter. Applicants respectfully disagree. As described at col. 3, ll. 57-65, Jasinaki discloses that element 24 is a conventional frequency modulated (FM) transmitter. Again, frequency modulated transmitters are directed to analog systems, not digital broadcast systems. As such, Jasinaki teaches away from digital broadcast transmitters. The cited secondary references also do not teach or suggest digital broadcast transmitters. Thus, the secondary references fail to cure this deficiency of Jasinaki. Again, even if any of the secondary references (Drum, Sayers and/or Kalveram) teaches or suggests digital broadcast transmitters, there would be no motivation to combine such a feature with Jasinaki since Jasinaki is directed to frequency modulated transmitters and analog systems. Claim 46 is thus allowable for at least this reason.

Claims 2, 3, 8, 9, 15-18, 29-30, 37 and 42-45 are dependent on their respective base claims and are thus allowable for at least the same reasons as those claims and further in view of the novel and non-obvious features recited therein.

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Reply to Office Action of February 13, 2006

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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